

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ELIOT S. SASH,

Petitioner,

ORDER
04-CV-2503 (NGG)

v.

MICHAEL ZENK, et. al,

Respondents

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GARAUFIS, United States District Judge.

On July 5, 2005, the Court of Appeals for the Second Circuit vacated the December 30, 2004 judgment of this court dismissing the instant petition for a writ of habeas corpus, and ordered this court to allow petitioner Eliot Sash an opportunity to withdraw or amend his petition filed pursuant to 28 U.S.C. § 2241 before it is construed as a 28 U.S.C. § 2254 petition. Accordingly, Sash is hereby granted sixty (60) days from the date of this Order to withdraw or amend his original petition, or to explain why the petition should be construed as falling under § 2241. The court also notes that Sash has now completed his term of incarceration for this state conviction. Sash should therefore indicate what relief, if any, he now seeks on this petition, and describe what relevance this intervening circumstance has for the question of whether his petition should be construed as falling under § 2254 or § 2241.

SO ORDERED.

Dated: July 14, 2005
Brooklyn, NY

_____/s/_____
Nicholas G. Garaufis
United States District Judge